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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,808	11/15/2001	Ronald Quan	207	5936
31665	7590	10/10/2006	EXAMINER	
PATENT DEPARTMENT MACROVISION CORPORATION 2830 DE LA CRUZ BLVD. SANTA CLARA, CA 95050			SHIBRU, HELEN	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/998,808	QUAN, RONALD	
	Examiner	Art Unit	
	HELEN SHIBRU	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) 49-70 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/10/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments, filed 07/10/2006, have been entered and made of record. Claims 1-48 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-48 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4-8, 10-11, 14-15, 17-24, 27, 30-31, 33-39, 42-44, and 47-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryan (US Pat. No. 5,608,799).

Regarding claim 1, Ryan discloses a method of modifying a video signal and/or copy protected video signal formed of video lines having horizontal blanking interval (HBI), color burst signals, and/or horizontal (H) sync signals having a sync tip level, to provide a copy protection effect for the video signal or to enhance the copy protected video signal (see abstract and figures 2B, 3 and 15), comprising:

applying a negative-going presync pulse of substantially said sync tip level followed by a positive-going pulse in a front porch region of the HB1 immediately prior to the H sync signal to

provide copy protection for the video signal or to enhance the playability and/or the effectiveness of the copy protected video signal (see figure 15B).

Regarding claim 4, Ryan discloses inserting an additional portion of color burst signal in the front porch, H sync and/or back porch regions of the HBI (see figure 15B).

Regarding claim 5, Ryan discloses adding an extra post sync negative-going pulse after the H sync signal in the back porch region of the HBI (see figure 15B).

Regarding claim 6, Ryan discloses the negative-going presync pulse of substantially said sync tip level is applied at or within the end of the active video line (see figures 10, 14 and 15).

Regarding claim 7, Ryan discloses an additional negative-going pulse is added to at least a latter portion of the negative-going presync pulse (see figure 15C).

Regarding claim 8, Ryan discloses a method of modifying a video signal and/or copy protected video signal including video lines having horizontal blanking intervals (HBI), color burst signals, pseudo sync signals, AGC signals, and/or horizontal (H) sync signals having a sync tip level, to provide a copy protection effect for the video signal or to enhance the copy protected video signal (see abstract and figures 2B, 3 and 15), comprising:

applying an added negative-going pulse to at least a portion of the H sync signal and/or an added negative going pulse to at least a portion of the pseudo sync signal, to provide a negative-going amplitude extension of said latter portions of the H sync signal and/or of the pseudo sync signal (see figure 15C).

Regarding claim 10, Ryan discloses the H sync or pseudo sync signal is reduced in amplitude (see col. 11 line 49-65).

Claims 11 and 17 are rejected for the same reason as discussed in claim 1 above.

Regarding claims 14 and 15 Ryan discloses modulating the pulse width and amplitude of the positive going pulse (see col. 9 lines 24-66 and col. 11 line 49-65).

Regarding claims 21-23 see figures 15A-C of Ryan.

Claims 24 and 27 are rejected for the same reason as discussed in claims 1 and 8 above.

Claims 30-31 are rejected for the same reason as discussed in claims 14 and 15.

Claims 33, 34 38, and 44 are rejected for the same reason as discussed in claim 1 above.

Claim 35 and 37 are rejected for the same reason as discussed in claim 8 above.

Claim 36 and 39 are rejected for the same reason as discussed in claim 10 above.

Regarding claims 42, 43, 47 and 48, see figures 15A-C of Ryan.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3, 9,12-13, 16, 25-26, 28-29, 32, 40-41, 45-46 are rejected under 35 U.S.C. 103(a) as being obvious over Ryan.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of

Art Unit: 2621

invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Regarding claims 2-3, 9, and 12-13, 16, 25-26, 28-29, 32, 40-41, and 45-46, these claims further require a specific amplitude, duration and percentage. Whether changing the amplitude and duration from one unit to another unit unless by doing so produces novel and/or unexpected results is merely considered as well known design options obvious to one of ordinary skill in the art because the construction of the apparatus provides no significant functional or patentable difference on the same token that changing the amplitude and duration would have not been patentable distinct from this Application and the reference.

Election/Restrictions

7. Newly submitted claims 49-70 directed to an invention that is independent or distinct from the invention originally claimed. These claims recites limitations which are different from originally presented, such as adding a time extended color burst signal to the video signal, adding an extra sync pulse of substantially said sync tip level after the H sync signal, a circuit for removing the color bursts from the video signal, etc.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 49-70 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

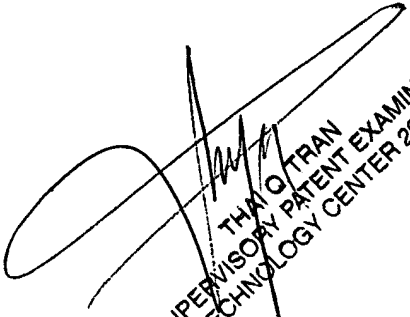
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru
September 29, 2006



THAO Q. TRAN
SUPERVISORY PATENT EXAMINER
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